

08/864,762



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08/864,762 05/29/97 TOMITA

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TM02/0413

EXAMINER

YOUNG, J

ART UNIT

PAPER NUMBER

2162

36

DATE MAILED:

04/13/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.  
08/864,762

Applicant(s)

Tomita et al.

Examiner

John L. Young

Group Art Unit

2162



☒ Responsive to communication(s) filed on 10/7/1999 (paper #34)

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 17, 18, 24-26, 28-30, 32-35, 37, 50, 52, and 53 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 17, 18, 24-26, 28-30, 32-35, 37, 50, 52, and 53 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 35

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA)**

1. The request filed on 10/07/1999 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/864,762 is acceptable and a CPA has been established. An action on the CPA follows:

2. Claims 17, 18, 24-26, 28-30, 32-35, 37, 50, 52 & 53 are pending.

**CLAIM REJECTIONS — 35 U.S.C. §103(a)**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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3. Independent claims 17, 18, 28, 50 & 52 and dependent claims 29, 30, 32-35 & 53 are rejected under 35 U.S.C. §103(a) as being unpatentable over in Schultz et al. 5,056,019 (10/8/1991) (herein referred to as "Schultz") in view of Burton et al. 5,025,372 (6/18/1991) (herein referred to as "Burton").

As per claim 17 Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a "point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . ."

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50 ) shows elements that suggest "point issue means for issuing the points to the customer according to transactions performed by the customer. . . ."

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest "point notification means for notifying the customer of point information comprising the issued points. . . ."

Schultz (col. 7, ll. 25-27) discloses "*accumulating sales data. . . .*"

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows

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elements that suggest “point accumulation means for calculating and accumulating the issued points of a current transaction and issued point of a previous transaction. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz (col. 8, ll. 30-63) discloses “*customer service support. . . .*” and elements that suggest “types of services. . . .”

Schultz (col. 5, ll. 57-60) discloses: “*The purchase reward offers . . . can include standard rebates, trial rebates, gift offers, and sweepstakes offers.*”

Schultz (col. 5, ll. 57-60) discloses: “*Once the purchase reward offers . . . are defined by the manufacturer . . . the central management firm . . . stores records of the purchase reward offers . . . in an offer file . . . residing in the data bank of the PMCS [program management computer system] The products that are the subject of the purchase reward offers . . . have associated Universal Product Codes (UPC), which are used to access the reward offer records in the offer file. . . . In the instance when a reward offer applies to several products, the UPC of each eligible product for the reward offer will access to the reward offer record to which the products apply. . . .*” The examiner interprets this disclosure as suggesting “wherein the point notification means includes service contents storage means for storing a list of types of services and corresponding points. . . .”

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Schultz (col. 6, ll. 5-12; and col. 7, ll. 60-68) discloses “the manufacturer can offer an entry into a sweepstakes drawing for each product purchase. . . .” The examiner interprets this disclosure as suggesting “wherein the point notification means includes service contents storage means for storing a list of types of services and corresponding points. . . .”

Schultz (col. 9, ll. 30-38; col. 9, ll. 47- 59; col. 10, ll. 7-35; col. 7, ll. 5-10; col. 7, ll. 20-59; col. 9, ll. 1-2; and col. 9, 60-65) shows elements that suggest “notification means . . . reads data out of the storage means according to a type selected by the customer through a terminal, and notifies the customer of the read data.”

Schultz does not explicitly show “types of services. . . .”

Burton (col. 1, ll. 10-20) discloses: “*The invention relates to the field of computer programming and data processing systems for incentive award programs [sic] Heretofore incentive companies have contracted with a sponsoring company for providing an incentive program to promote the sales of the sponsoring company’s products or services. . . . The products or services promoted might have been of a specific nature. . . .*”

Burton (col. 1, ll. 17-20) discloses: “*Usually a certain number of points are awarded . . . [related to the] quantity of products or services.*”

Burton proposes “services” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “services” modifications of Burton with the

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teachings of Schultz because “*the participant’s memory of the . . . [services] stimulates recollection of the sponsor, thus reinforcing favorable thoughts toward the sponsor.*”

(See Burton (col. 3, ll. 67-68; and col. 4, ll. 1-2)).

As per claim 18, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50 ) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest “point notification means for notifying the customer of point information comprising the issued points. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data.* . . .”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

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Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz (col. 8, ll. 30-63) discloses “*customer service support. . . .*” and elements that suggest “types of services. . . .”

Schultz (col. 5, ll. 57-60) discloses: “*The purchase reward offers . . . can include standard rebates, trial rebates, gift offers, and sweepstakes offers.*”

Schultz (col. 5, ll. 57-60) discloses: “*Once the purchase reward offers . . . are defined by the manufacturer . . . the central management firm . . . stores records of the purchase reward offers . . . in an offer file . . . residing in the data bank of the PMCS [program management computer system] The products that are the subject of the purchase reward offers . . . have associated Universal Product Codes (UPC), which are used to access the reward offer records in the offer file. . . . In the instance when a reward offer applies to several products, the UPC of each eligible product for the reward offer will access to the reward offer record to which the products apply. . . .*” The examiner interprets this disclosure as suggesting “wherein the point notification means includes service contents storage means for storing a list of services and corresponding points. . . .”

Schultz (col. 6, ll. 5-12; and col. 7, ll. 60-68) discloses “*the manufacturer can offer an entry into a sweepstakes drawing for each product purchase. . . .*” The examiner

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interprets this disclosure as suggesting “wherein the point notification means includes service contents storage means for storing a list of services and corresponding points. . . .”

Schultz (col. 9, ll. 30-38; col. 9, ll. 47- 59; col. 10, ll. 7-35; col. 7, ll. 5-10; col. 7, ll. 20-59; col. 9, ll. 1-2; and col. 9, 60-65) shows elements that suggest “notification means . . . selects a range of services available for the cumulative points of the customer, and notifies the customer of the selected services.”

Schultz does not explicitly recite “a list of services. . . .” even though Schultz suggests same.

Burton (col. 1, ll. 10-20) discloses: “*The invention relates to the field of computer programming and data processing systems for incentive award programs [sic] Heretofore incentive companies have contracted with a sponsoring company for providing an incentive program to promote the sales of the sponsoring company’s products or services. . . . The products or services promoted might have been of a specific nature. . . .*”

Burton (col. 1, ll. 17-20) discloses: “*Usually a certain number of points are awarded . . . [related to the] quantity of products or services.*”

Burton proposes “services” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “services” modifications of Burton with the teachings of Schultz because “*the participant’s memory of the . . . [services] stimulates*

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*recollection of the sponsor, thus reinforcing favorable thoughts toward the sponsor.”*

(See Burton (col. 3, ll. 67-68; and col. 4, ll. 1-2)).

As per claim 28, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50 ) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

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Schultz lacks explicit mention of “a software service in accordance with an amount of the accumulated points, and the point accumulation means decreases the customer’s accumulated points according to a period of time of providing the software service.”

Burton (col. 19, ll. 9-68; col. 20, ll. 1-68; col. 21, ll. 46-68; col. 22, ll. 38-68; col. 23, ll. 4-68) shows elements that suggest “wherein the point management system provides a software service in accordance with an amount of the accumulated points. . . .”

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the point management system provides a software service in accordance with an amount of the accumulated points, and the point accumulation means decreases the customer’s accumulated points according to a period of time of providing the software service.”

Burton proposes software program and credit decreasing modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the credit decreasing modifications of Burton with the teachings of Schultz because “*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*” (See Burton (col. 4, ll.16-19)).

As per claim 29, Schultz in view of Burton shows the point management system of claim 28. (See the rejection of claim 28 supra).

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“Official Notice” is taken that both the concept and the advantages of “the software service is provided to the customer with image and voice data through communication circuits . . . displays the decreased points on a display by denoting an alphanumeric number representing the customer’s accumulated points and by counting down the customer’s accumulated points order. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the use of a software service comprising image and voice data through communication circuits. . . .” (such as global telephone and computer networks, used for example in bank account services and frequent flyer programs) to display “the decreased points on a display by denoting an alphanumeric number representing the customer’s accumulated points and by counting down the customer’s accumulated points order. . . .” because such service was known to make customer service information delivery to customers more intuitive, as well as making that customer service information delivery inexpensive for the provider.

As per claim 30, Schultz in view of Burton shows the point management system of claim 28. (See the rejection of claim 28 supra).

“Official Notice” is taken that both the concept and the advantages of “displays the decreased points on a display by denoting a colored stripe line thereof and by reducing the length of the striped line. . . .” were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the use

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of displaying “the decreased points on a display by denoting a colored stripe line thereof and by reducing the length of the striped line. . . .” (such as the practice of using computer applications to show numerical values in the form of colored bar charts and graphs) because such displays would have facilitated ease of interpretation of the values by customers, as well as facilitated making that customer information delivery inexpensive for the provider.

As per claim 32, Schultz in view of Burton shows the point management system of claim 30. (See the rejection of claim 30 supra).

Schultz does not explicitly recite: “wherein the point information includes target points and corresponding electronic services.”

Burton (col. 9, ll. 50-68) discloses “*objective for the incentive program’s participants. . . .*” The examiner interprets this disclosure as suggesting “target points.”

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the point information includes target points and corresponding electronic services.”

Burton proposes incentive objective modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the incentive objective modifications of Burton with the teachings of Schultz because “*the participants can choose to*

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*withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .”* (See Burton (col. 4, ll.16-19)).

As per claim 33, Schultz in view of Burton shows the point management system of claim 30. (See the rejection of claim 30 supra).

Schultz does not explicitly recite: “wherein the point information includes services corresponding to the customer’s cumulative points provided by the point accumulation means.”

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the point information includes services corresponding to the customer’s cumulative points provided by the point accumulation means.”

Burton proposes cumulative point modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the incentive objective modifications of Burton with the teachings of Schultz because “*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*” (See Burton (col. 4, ll.16-19)).

As per claim 34, Schultz in view of Burton shows the point management system of claim 30. (See the rejection of claim 30 supra).

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Schultz does not explicitly recite: “wherein the point information includes the customer’s cumulative points, or a shortage of points with respect to target points registered or specified by the customer.”

Burton (col. 9, ll. 50-68) discloses “*objective for the incentive program’s participants. . . .*” The examiner interprets this disclosure as suggesting “target points.”

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the point information includes the customer’s cumulative points, or a shortage of points with respect to target points registered or specified by the customer.”

Burton proposes incentive objective modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the incentive objective modifications of Burton with the teachings of Schultz because “*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*” (See Burton (col. 4, ll.16-19)).

As per claim 35, Schultz in view of Burton shows the point management system of claim 30. (See the rejection of claim 30 supra).

Schultz (col. 3, ll. 32-37) shows elements that suggest “wherein the point information includes the validity of the customer’s cumulative points.”

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Schultz does not explicitly recite: “wherein the point information includes the validity of the customer’s cumulative points.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Schultz (col. 3, ll. 32-37) would have been selected in accordance with “wherein the point information includes the validity of the customer’s cumulative points. . . .” because such validation would have encouraged “*continued purchases of targeted products beyond the one-time incentive of prior coupon systems.*” (See Schultz (col. 4, ll.45-47)).

As per claim 50 Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50 ) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest “point notification means for notifying the customer of point information comprising the issued points. . . .”

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Schultz (col. 7, ll. 25-27) discloses "*accumulating sales data. . . .*"

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest "point accumulation means for calculating and accumulating the issued points. . . ."

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest "customer identification means for identifying the customer according to customer identification information. . . ."

Schultz (col. 8, ll. 30-63) discloses "*customer service support. . . .*" and elements that suggest "types of services. . . ."

Schultz (col. 5, ll. 57-60) discloses: "*The purchase reward offers . . . can include standard rebates, trial rebates, gift offers, and sweepstakes offers.*"

Schultz (col. 5, ll. 57-60) discloses: "*Once the purchase reward offers . . . are defined by the manufacturer . . . the central management firm . . . stores records of the purchase reward offers . . . in an offer file . . . residing in the data bank of the PMCS [program management computer system] The products that are the subject of the purchase reward offers . . . have associated Universal Product Codes (UPC), which are used to access the reward offer records in the offer file. . . . In the instance when a reward offer applies to several products, the UPC of each eligible product for the reward offer will access to the reward offer record to which the products apply. . . .*" The examiner interprets this disclosure as suggesting "wherein the point notification means

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comprises service contents storage means for storing a list of types of services and corresponding points. . . .”

Schultz (col. 6, ll. 5-12; and col. 7, ll. 60-68) discloses “the manufacturer can offer an entry into a sweepstakes drawing for each product purchase. . . .” The examiner interprets this disclosure as suggesting “wherein the point notification means includes service contents storage means for storing a list of types of services and corresponding points. . . .”

Schultz (col. 9, ll. 30-38; col. 9, ll. 47- 59; col. 10, ll. 7-35; col. 7, ll. 5-10; col. 7, ll. 20-59; col. 9, ll. 1-2; and col. 9, ll. 60-65) shows elements that suggest “notification means . . . displays the list of the types of services and corresponding points to the customer.”

Schultz does not explicitly show “types of services. . . .”

Burton (col. 1, ll. 10-20) discloses: “*The invention relates to the field of computer programming and data processing systems for incentive award programs [sic] Heretofore incentive companies have contracted with a sponsoring company for providing an incentive program to promote the sales of the sponsoring company's products or services. . . . The products or services promoted might have been of a specific nature. . . .*”

Burton (col. 1, ll. 17-20) discloses: “*Usually a certain number of points are awarded . . . [related to the] quantity of products or services.*”

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Burton proposes “services” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “services” modifications of Burton with the teachings of Schultz because “*the participant’s memory of the . . . [services] stimulates recollection of the sponsor, thus reinforcing favorable thoughts toward the sponsor.*” (See Burton (col. 3, ll. 67-68; and col. 4, ll. 1-2)).

As per claim 52, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50 ) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 40-55; col. 8, ll. 64-65; col. 10, ll. 20-27; and col. 10, ll. 46-50) shows elements that suggest “point notification means for notifying the customer of point information comprising the issued points. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

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Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz (col. 8, ll. 30-63) discloses “*customer service support. . . .*” and elements that suggest “types of services. . . .”

Schultz (col. 5, ll. 57-60) discloses: “*The purchase reward offers . . . can include standard rebates, trial rebates, gift offers, and sweepstakes offers.*”

Schultz (col. 5, ll. 57-60) discloses: “*Once the purchase reward offers . . . are defined by the manufacturer . . . the central management firm . . . stores records of the purchase reward offers . . . in an offer file . . . residing in the data bank of the PMCS [program management computer system] The products that are the subject of the purchase reward offers . . . have associated Universal Product Codes (UPC), which are used to access the reward offer records in the offer file. . . . In the instance when a reward offer applies to several products, the UPC of each eligible product for the reward offer will access to the reward offer record to which the products apply. . . .*” The examiner interprets this disclosure as suggesting “wherein the point notification means

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includes service contents storage means for selecting a range of services available for the accumulated points of the customer, and notifies the customer of the selected services.”

Schultz (col. 9, ll. 30-38; col. 9, ll. 47- 59; col. 10, ll. 7-35; col. 7, ll. 5-10; col. 7, ll. 20-59; col. 9, ll. 1-2; and col. 9, ll. 60-65) shows elements that suggest “notification means . . . selects a range of services available for the accumulated points of the customer, and notifies the customer of the selected services.”

Schultz does not explicitly recite “selecting a range of services. . . .” even though

Schultz (col. 9, ll. 30-38; col. 9, ll. 47- 59; col. 10, ll. 7-35; col. 7, ll. 5-10; col. 7, ll. 20-59; col. 9, ll. 1-2; and col. 9, ll. 60-65) suggests same.

Burton (col. 1, ll. 10-20) discloses: “*The invention relates to the field of computer programming and data processing systems for incentive award programs [sic] Heretofore incentive companies have contracted with a sponsoring company for providing an incentive program to promote the sales of the sponsoring company’s products or services. . . . The products or services promoted might have been of a specific nature. . . .*”

Burton (col. 1, ll. 17-20) discloses: “*Usually a certain number of points are awarded . . . [related to the] quantity of products or services.*”

Burton proposes “services” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “services” modifications of Burton with the teachings of Schultz because “*the participant’s memory of the . . . [services] stimulates*

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*recollection of the sponsor, thus reinforcing favorable thoughts toward the sponsor.*”

(See Burton (col. 3, ll. 67-68; and col. 4, ll. 1-2)).

As per claim 53, Schultz in view of Burton shows the point management system of claim 52. (See the rejection of claim 52 supra).

Schultz does not explicitly recite: “wherein the service contents storage means stores the point information comprising target points for a service requested by the customer, the customer’s accumulated points, and shortage points relative to the customer’s target.”

Burton (col. 9, ll. 50-68) discloses “*objective for the incentive program’s participants. . . .*” The examiner interprets this disclosure as suggesting “target points.”

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the service contents storage means stores the point information comprising target points for a service requested by the customer, the customer’s accumulated points, and shortage points relative to the customer’s target.”

Burton proposes incentive objective modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the incentive objective modifications of Burton with the teachings of Schultz because “*the participants can choose to*

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*withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .”* (See Burton (col. 4, ll.16-19)).

4. Dependent claim 37 is rejected under 35 U.S.C. §103(a) as being unpatentable over in Schultz in view of Burton and further in view of Rudd 4,292,508 (9/29/1981) (herein referred to as “Rudd”).

As per claim 37 Schultz in view of Burton shows the point management system of claim 35. (See the rejection of claim 35 supra).

Schultz does not explicitly recite: “changing points or point calculation rates allocated for commodities. . . .”

Burton (col. 12, ll.27-37) shows elements that suggest: “changing points or point calculation rates allocated for commodities. . . .”

Burton proposes point changing and percentage modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the modifications of Burton with the teachings of Schultz because “*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*”, (See Burton (col. 4, ll.16-19)).

Schultz does not explicitly recite: “changing points or point calculation rates allocated for commodities at random within a predetermined range. . . .”

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Rudd (the ABSTRACT; col. 1, ll. 4-11; col. 1, ll. 14-31; col. 1, ll. 63-68; col. 2, ll. 1-4; col. 2, ll. 24-33; and col. 3, ll. 31-38) shows elements that suggest: “changing points or point calculation rates allocated for commodities at random within a predetermined range. . . .”

Rudd proposes “changing . . . point calculation rates allocated for commodities at random within a predetermined range. . . .” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the modifications of Rudd with the teachings of Schultz because such combined modifications would have provided means for “*allocating a bonus to customers. . . .*” (See Rudd (col. 1, ll.16-24)).

5. Independent claim 24 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz in view of Humble 4,949,256 (8/14/1990) (herein referred to as “Humble”).

As per claim 24, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50 ) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

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Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz lacks explicit mention of “condition monitor means for changing the accumulated points according to predetermined conditions. . . . wherein the condition monitor means adds interest to the customer’s points according to the accumulated points and periods of time.”

Humble (the FIGURE; col. 3, ll. 67-68; and col. 6, ll. 48-55) shows elements that suggest “condition monitor means for changing the accumulated points according to predetermined conditions. . . . wherein the condition monitor means adds interest to the customer’s points according to the accumulated points and periods of time.”

Humble proposes “condition monitor” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “condition monitor” modifications of Humble with the teachings of Schultz because such condition monitor means would have provided a “*validation network for automatically crediting customer’s*

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*coupons toward the purchase price of a plurality of products. . . .”* (See Humble (col. 2, ll. 66-68)).

6. Independent claim 25 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz in view of Humble and further in view of Burton.

As per claim 25, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50 ) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

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Schultz lacks explicit mention of “condition monitor means for changing the accumulated points according to predetermined conditions. . . . wherein the condition monitor means decreases the customer’s points if the customer does not carryout a transaction during a predetermined period.”

Humble (the FIGURE; col. 3, ll. 67-68; and col. 6, ll. 48-55) shows elements that suggest “condition monitor means for changing the accumulated points according to predetermined conditions. . . .”

Humble proposes “condition monitor” modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the “condition monitor” modifications of Humble with the teachings of Schultz because such condition monitor means would have provided a “*validation network for automatically crediting customer’s coupons toward the purchase price of a plurality of products. . . .*” (See Humble (col. 2, ll. 66-68)).

Burton (FIG. 2.8A; FIG. 2.8B; col. 9, ll. 50-68; col. 10, ll. 1-7; col. 10, ll. 44-51; col. 28, ll. 16-35; and col. 28, ll. 60-68) shows elements that suggest “wherein the condition monitor means decreases the customer’s points if the customer does not carryout a transaction during a predetermined period.”

Burton proposes credit decreasing modifications that would have applied to the award system and method of Schultz. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the credit decreasing modifications of

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Burton with the teachings of Schultz because “*the participants can choose to withhold none, part, or all of the monetary amount eligible for allocation toward the credit. . . .*” (See Burton (col. 4, ll.16-19)).

7. Independent claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Schultz.

As per claim 26, Schultz (the ABSTRACT; FIG. 1; FIG. 2; col. 1, ll. 6-11; col. 1, ll. 15-16; col. 6, ll. 5-10; col. 5, ll. 12-15; col. 5, ll. 47-53; col. 5, ll. 57-68; col. 6, ll. 1-4; and col. 6, ll. 10-12) shows elements that suggest a “point management system employing a computer for managing points issued to each customer who receives service according to the issued points. . . .”

Schultz (col. 6, ll. 6-10; col. 4, ll. 56-60; col. 5, ll. 15-20; col. 8, ll. 45-55; col. 8, ll. 64-65; and col. 10, ll. 46-50 ) shows elements that suggest “point issue means for issuing the points to the customer according to transactions performed by the customer. . . .”

Schultz (col. 7, ll. 25-27) discloses “*accumulating sales data. . . .*”

Schultz (col. 10, ll. 7-15; col. 10, ll. 20-27; col. 10, ll. 36-39; col. 10, ll. 46-50; col. 9, ll. 25-33; col. 8, ll. 48-65; col. 7, ll. 35-44; col. 8, ll. 1-6; and col. 5, ll. 45-53) shows elements that suggest “point accumulation means for calculating and accumulating the issued points. . . .”

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Schultz (col. 6, ll. 28-36; col. 6, ll. 39-52; col. 7, ll. 5-10; and col. 10, ll. 1-13) shows elements that suggest “customer identification means for identifying the customer according to customer identification information. . . .”

Schultz (col. 4, ll. 60-61; and col. 5, ll. 9-10) discloses “*participating retail outlets. . . .*”

Schultz (col. 5, ll. 53-56) discloses “*Each retail outlet . . . may be part of a retail chain, and the method of the present invention can be adapted for use at retail outlets . . . of different retail chains.*”

Schultz (col. 7, ll. 53-59) discloses “*the marketing program can be provided to consumers . . . through a plurality of retail stores associated with different retail chains. In the preferred embodiment, the consumer . . . is able to make reward product . . . purchases at more than one retail store . . . and have the purchase credits combined in the PMCS. . . .*”

The examiner interprets these disclosures as suggesting “wherein the point accumulation means includes means for converting the customer’s points managed by a group of stores into points managed by another group of stores according to a predetermined rate if the customer requests the conversion.”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Schultz (col. 7, ll. 53-59; and col. 5, ll. 53-56) would have been selected in accordance with “wherein the point accumulation means includes means for converting the customer’s points managed by a group of stores into points managed

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by another group of stores according to a predetermined rate if the customer requests the conversion. . . .” because such selection would have provided means for the “consumer . . . to make reward product . . . purchases at more than one retail store . . . and have the purchase credits combined. . . .” (See Schultz (col. 7, ll. 53-59)).

### RESPONSE TO ARGUMENTS

8. Applicant's arguments filed 7/19/1999 (Amendment G, paper #30) have been fully considered but they are not persuasive.

In response to applicant's remarks requesting the examiner to clarify the status of claims 1-64, said request is moot as to claims 1-16, 19-23, 27, 31, 36, 38-49, 51 & 54-64 because applicant has canceled claims 1-16, 19-23, 27, 31, 36, 38-49, 51 & 54-64 according to Amendment G, paper #30; therefore,

Claims 17, 18, 24-26, 28-30, 32-35, 37, 50, 52 & 53 are pending.

Claims 17, 18, 24-26, 28-30, 32-35, 37, 50, 52 & 53 are rejected under 35 U.S.C. §103(a) as being unpatentable for the reasons stated above in the instant office action.

### CONCLUSION

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 308-9051 (for formal communications marked EXPEDITED

PROCEDURE), or

(703) 308-5397 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Sixth floor Receptionist  
Crystal Park II  
2121 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

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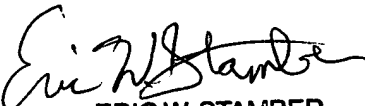
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Patent Examiner

April 8, 2001

  
ERIC W. STAMBER  
PRIMARY EXAMINER